

Samantha Chorny, Esq.
SMC Law Firm
433 Broadway, Suite 401
New York, NY 10013
718-970-1960

September 18, 2023

Honorable Judge Vincent Briccetti
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Request for Modification of Bail Conditions - United States v. Charles Berard

Case Number: 7:22-cr-00252-VB-2

Dear Honorable Judge Vincent Briccetti,

I respectfully write this letter motion on behalf of my client, Mr. Charles Berard, seeking a modification of his current bail conditions. Specifically, we request that the condition of home detention be replaced with a curfew, from 11:00 pm to 5:30 am.

Mr. Berard's routine necessitates an early departure for work at 5:45 am and his return is typically at 6:45 pm. A modification of his bail conditions would accommodate this schedule, and importantly, enable Mr. Berard to participate in after-work activities that involve spending quality time with his five children. He has expressed a keen interest in engaging in nightly softball games and other events designed to foster positive youth development, which he believes will not only strengthen family bonds but also contribute meaningfully to the well-being of his children.

I have consulted with Mr. Berard's pretrial services officer regarding this proposed change. The officer consents to this modification, as evidenced by our correspondence attached hereto as Exhibit A. Notably, Mr. Berard has been in full compliance with all conditions set by pretrial services for over a year, and there have been no issues or concerns raised about his behavior or commitment to the process.

Given Mr. Berard's track record of compliance, the consent of the pretrial services officer, and the positive implications this change would have for Mr. Berard's personal and familial life, we believe that replacing the home detention condition with a curfew from 11:00 pm to 5:30 am would be both just and appropriate.

APPLICATION GRANTED
SO ORDERED:

V. Briccetti
Vincent L. Briccetti, U.S.D.J.

Dated: 9/19/23

White Plains, NY

The ~~to~~ home detention
condition is replaced
with a curfew from ~~11:00~~
11:00 p.m. to 5:30 a.m.

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DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 9/20/23

Thank you for considering this request, and I remain available to provide any further information or address any concerns the Court may have regarding this matter.

Respectfully,

Samantha Chorny

Samantha Chorny, Esq.



Samantha Chorny <samanthachorny@smc.law>

Request for Modification of Mr. Charles Berard's Pretrial Detention Conditions

3 messages

Samantha Chorny <samanthachorny@smc.law>
To: laura_lavalley@map.uscourts.gov
Cc: Charlie Alltar berard <alltarberard@gmail.com>

Fri, Jul 28, 2023 at 2:15 PM

Dear Officer Laura Lavelley,

I hope this message finds you well. My name is Samantha Chorny, counsel representing Mr. Charles Berard, currently subject to pretrial supervision under the jurisdiction of the Federal Pretrial Services of the Southern District of New York (SDNY).

I am writing today to propose a modification in the terms of Mr. Berard's pretrial detention. Specifically, I am requesting a potential extension of his existing curfew to 11:00 PM. The reason behind this request stems from changes in Mr. Berard's personal circumstances which include the birth of his newborn child and an employment opportunity.

Mr. Berard has recently become a father, a role he takes very seriously and wishes to contribute to as fully as possible. A later curfew would enable him to adequately cater to the needs of his child, especially in these initial weeks where newborns often require attention at unconventional hours. This flexibility would not only support his child's well-being but also create a healthy and nurturing environment which is crucial for the child's development.

Additionally, Mr. Berard has secured employment at a Coca Cola factory. This job requires him to work until late hours, and the current curfew is impacting his ability to fulfill his responsibilities and maintain stable employment. This job is integral for him to support his family financially and contribute positively to society.

I understand that any adjustments to pretrial detention conditions must strike a balance between the rights and needs of the individual and the need for public safety. I believe that Mr. Berard has shown a consistent commitment to meeting his pretrial obligations and has demonstrated a clear intention to be a responsible member of society.

In light of the above, I kindly request that you consider consenting to a modification of Mr. Berard's curfew to 11:00 PM. Your understanding and cooperation in this matter would be highly appreciated.

Should you wish to discuss this matter further, I am more than willing to arrange a meeting at your earliest convenience.

Thank you for your time and attention to this matter. I look forward to your positive response.

Best regards,

Samantha Chorny, Esq.
SMC Law Firm
718-970-1960

Samantha Chorny <samanthachorny@smc.law>
To: laura_lavalley@map.uscourts.gov
Cc: Charlie Alltar berard <alltarberard@gmail.com>

Wed, Aug 9, 2023 at 1:04 PM

I am just kindly following up with my email sent on 7/28. Thank you respectfully.

Samantha Chorny, Esq.
[Quoted text hidden]

Laura LaValley <Laura_LaValley@map.uscourts.gov>
To: Samantha Chorny <samanthachorny@smc.law>

Wed, Aug 9, 2023 at 1:32 PM

Cc: Charlie Allctar berard <allctarberard@gmail.com>

Good Afternoon Samantha – I appreciate you following up as I totally missed your initial email on the 28th. Our office would have no objection to modifying the home detention condition to a curfew as Mr. Berard has been subject to home confinement for over a year now without any issues. Thank you,

Laura P. LaValley

United States Probation Officer

617-571-8520

From: Samantha Chorny <samanthachorny@smc.law>

Sent: Wednesday, August 9, 2023 1:05 PM

To: Laura LaValley <Laura_LaValley@map.uscourts.gov>

Cc: Charlie Allctar berard <allctarberard@gmail.com>

Subject: Re: Request for Modification of Mr. Charles Berard's Pretrial Detention Conditions

CAUTION - EXTERNAL:

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CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.